

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DARRYL SMITH,

Plaintiff,

v.

CLIFFORD PINKNEY, et al.,

Defendants.

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CASE NO. 1:18-cv-00163

ORDER
[Resolving Doc. [122](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

In 2018, this Court entered a permanent injunction imposing filing restrictions on Plaintiff Darryl Smith.

Now, Plaintiff Smith seeks leave to file a 42 U.S.C. § 1983 action against prison officials at Mansfield Correctional Institution.¹

On May 12, 2022, this Court ordered Plaintiff Smith to serve the complaint on the proposed defendants.

Plaintiff Smith has not shown that he complied with the service requirement.

For the reasons explained below, the Court **DENIES** leave to file the proposed action.

I. Background

In October 2018, this Court entered a permanent injunction imposing filing restrictions on Plaintiff Smith.² The Court found that Plaintiff Smith had “a clear pattern of Smith bringing frivolous suits against government officials, including agency officials, prison personnel, and law enforcement, when he is incarcerated.”³

¹ Doc. [122](#).

² Doc. [100](#) at 7.

³ *Id.* at 6.

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The permanent injunction requires Plaintiff Smith to serve his request for leave to file on “any defendant or party that would be adversely affected by the proposed action.”⁴ The injunction states that these defendants or parties “will have an opportunity to respond before this Court determines whether to grant leave.”⁵

In April 2022, Plaintiff Smith sought leave to file a 42 U.S.C. § 1983 action against prison officials at Mansfield Correctional Institution.⁶

In May 2022, this Court ordered Plaintiff Smith to serve his request for leave to file on Mansfield Correctional Institution and proposed Defendants McConahay, Kennard, and Booth.

II. Discussion

This Court declines to grant leave for Plaintiff Smith to file his suit.

Plaintiff Smith fails to show that he served the suggested complaint upon the defendants as required by this Court’s May 12 order.

The permanent injunction imposed the service requirement. By not following this Court’s May 12 order, Plaintiff Smith does not comply with the terms of the permanent injunction.

III. Conclusion

For the reasons stated above, this Court **DENIES** Plaintiff Smith leave to file the proposed 42 U.S.C. § 1983 action against prison officials at Mansfield Correctional Institution.

⁴ *Id.* at 8.

⁵ *Id.*

⁶ Doc. [122](#).

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IT IS SO ORDERED.

Dated: August 4, 2022

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE